

STATUTORY RAPE VERTICAL PROSECUTION

FOURTH YEAR REPORT

GOVERNOR'S OFFICE OF CRIMINAL JUSTICE PLANNING

OFFICE OF THE DIRECTOR
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**STATUTORY RAPE VERTICAL PROSECUTION REPORT****FOREWORD**

The Statutory Rape Vertical Prosecution (SRVP) Program reflects Governor Gray Davis' and the Office of Criminal Justice Planning's (OCJP's) strong, continuing commitment and support for public safety and victim services in our State. The purpose of the SRVP Program is to increase the prosecution of adults who have unlawful intercourse with minors. The goal is to increase vertical prosecution of these adults. This goal is achieved by funding county district attorneys' offices to establish specialized units to investigate and vertically prosecute incidents of unlawful sexual intercourse with minors.

We hope that this report will contribute to these efforts by providing information on the nature of the problem and the accomplishments of the program. Questions concerning this report should be addressed to Kirby Everhart, Chief, Victim Services and Violence Prevention Division, at (916) 327-3687.

Sincerely,

FRANK GRIMES
Executive Director



STATUTORY RAPE VERTICAL PROSECUTION

Fourth Year Report

JANUARY 2000

EXECUTIVE SUMMARY

This report presents the results of the fourth year of funding for the Statutory Rape Vertical Prosecution (SRVP) Program. The fourth year was a 12-month period from July 1, 1998, to June 30, 1999. During the funding period, approximately \$8.4 million was allocated to 55 county district attorney's offices.

During the fourth year of funding, 6,016 cases were referred for prosecution, 2,826 cases were filed in court, and 2,110 cases were completed with convictions and sentences (approximately six each calendar day). Funding for the SRVP Program provided investigation and victim advocacy for these cases, as well as prosecution in court.

The average age of the defendant was 20-24, and the average age of the victim was 14-15. Approximately 70 percent of the defendants were over the age of 20, while approximately 61 percent of the victims were 15 or younger. Approximately 26 percent of the victims became pregnant as a result of the statutory rape, and approximately 13 percent reported receiving public assistance as a result of the crime.

Of the 2,826 cases filed, 839 (30 percent) defendants were reported to have prior criminal histories. Of those, 78 (1 percent) were charged under the Two and Three Strikes Law. Of the 2,110 cases completed, 40 were reported to have received second and third strike convictions.

Approximately 2,755 of those cases referred for prosecution in the fourth year were pending completion of investigation as of June 30, 1999. Statistically, the average approximate cost (to the State) of handling a case referred for prosecution under the SRVP Program (including investigation, appropriate prosecution, and victim advocacy) has been less than \$1,396.

As of June 30, 1999, the SRVP Program had been operating for 45 months. During that time period, a total of approximately 17,273 cases had been referred for prosecution, 8,205 cases had been filed in court, and 6,190 had resulted in a conviction and sentencing.

The SRVP Program is only in its fourth year and is continuing to gain momentum. More importantly, the issue of statutory rape as a major societal problem is gaining in public awareness. The SRVP Program is showing promising results and is making systemic changes in California's response to the problem of statutory rape. This report recommends that the program be continued.

STATUTORY RAPE VERTICAL PROSECUTION

Fourth Year Report

JANUARY 2000

INTRODUCTION

In 1995, recognizing the high incidence of unwed teenagers impregnated by adults and the impact of these young, fatherless families on society, the Legislature initiated the *Partnership for Responsible Parenting* initiative. Governor Davis has continued to support and carry this program through its fourth year. This initiative provides funding to support four programs that address the problem:

- the Community Challenge Grants;
- the Mentoring Program;
- the Statewide Multi-Media Campaign; and
- the Statutory Rape Vertical Prosecution (SRVP) Program

HISTORY

The State Budget Act of 1995 authorized approximately \$2.4 million to fund County District Attorneys to prosecute cases of unlawful sexual intercourse under existing laws, (Penal Code (PC) Sections 261.5 and 288(c) et al., Attachment B), to pilot this initiative. During Fiscal Year (FY) 1995/96, OCJP allocated grant awards of \$150,000 each to 16 counties with the highest incidence of unwed minor mothers birthing infants fathered by adults.

In FY 1996/97, \$8,361,000 was made available to all 58 counties. Thirty-seven additional counties received first-year funding and the original 16 counties received second-year funding. Five counties waived their right to apply for funding for FY 1996/97. These five counties were Glenn, Marin, San Mateo, Sierra, and Yuba.

In FY 1997/98, \$8,361,000 again was made available to all 58 counties. One county received first-year funding, 37 counties received second-year funding, and the original 16 counties received third-year funding. Four counties waived their right to apply for funding for FY 1997/98. These four counties were Glenn, San Mateo, Sierra, and Yuba.

In FY 1998/99, \$8,361,000 again was made available to all 58 counties. Two new counties received first-year funding. Three counties waived their right to apply for funding for FY 1998/99. These three counties were Sierra, Tehama, and Yuba.

Grant awards ranged from \$50,000 to \$361,000, depending on population and the teen pregnancy rate.

PROGRAM GOAL

The purpose of the SRVP Program is to send a clear message that adults, who engage in unlawful sexual intercourse with minors, are committing a crime and will be prosecuted to the full extent of the law. Additional goals of the program are to reduce teen pregnancy and discourage child sexual abuse through a combination of prosecution and increased public awareness.

This program provides funds to District Attorneys' offices to vertically prosecute cases, therefore allowing specialized prosecutors to follow a specific case all the way through the judicial process. Funding is provided for prosecutors, investigative services, victim advocacy, training costs, operating expenses, and equipment to support the prosecution program.

STATISTICAL DATA

The SRVP first-year report, published in January 1997, reported the accomplishments of the original 16 counties funded for the SRVP Program from December 1, 1995, through October 31, 1996. The second-year report contains statistical information for the 53 funded counties for the report period of September 1, 1996, through June 30, 1997. The third-year report contains statistical information for the 54 funded counties for the report period of July 1, 1997, through June 30, 1998. This fourth-year report contains statistical information for the 55 funded counties for the report period of July 1, 1998, through June 30, 1999. A list of the funding allocations for the 55 counties implementing the fourth-year of the program is included as Attachment A. A list of statistical data by county is included in Attachment C.

FOURTH-YEAR STATISTICS (JULY 1, 1998 - JUNE 30, 1999)

SRVP Cases Referred:	6,016
SRVP Cases Filed:	2,826 (470 misdemeanors, 2,356 felonies)
SRVP Cases Completed through Conviction & Sentencing:	2,110
Average Cost of a Referred Case:	\$1,396

Average Age Range:	
Defendant:	20-24
Victim:	14-15

Victims Receiving Public Assistance: 349

Defendants with Prior Criminal History: 839

DATA INTERPRETATION

SRVP CASES REFERRED:

During the fourth-year, a total of 6,016 cases were referred for investigation and/or prosecution under this program. Cases were referred for prosecution from a variety of sources, including law enforcement, medical services, schools, and social service agencies. This number indicates a substantial increase in the enforcement of statutory rape in comparison with little or no enforcement in local jurisdictions prior to the creation of the SRVP Program. Of the 6,016 cases referred, 2,755 cases (46 percent) were still pending completion of the investigation as of June 30, 1999.

SRVP CASES FILED:

Of the 6,016 cases referred, 2,826 cases were filed for prosecution. There were 1,554 cases rejected after the completion of the investigation and an intense screening process. Specially trained prosecutors who selected cases for prosecution based on the criteria established in their county reviewed all cases referred for prosecution. Each county has established unique criteria for filing statutory rape cases to meet the unique needs of the community. This diversity in implementation provides flexibility for each community to address the issues of greatest local need associated with statutory rape. The severity of the charges filed, and the punishment received, is subject to local jurisdiction.

SRVP CONVICTIONS ACHIEVED:

Of the 2,826 cases filed, 2,110 cases (75 percent) resulted in a conviction. There were 10 acquittals, 145 cases dismissed, and 107 other cases (such as deferred). There was a balance of 454 cases pending disposition as of June 30, 1999. Statistically, there was an average of 175 convictions with sentences per month during the 12-month period (approximately six each calendar day). Of the 2,110 cases completed through sentencing, 1,622 cases (77 percent) resulted in felony convictions. Of those, 337 defendants (21 percent) were sentenced to prison, and 1,321 defendants (81 percent) were sentenced to jail or probation.

COSTS ASSOCIATED WITH THE SRVP PROGRAM:

Language in the 1996 Budget Act (Item 8100-101-0001, Supplemental Report of the 1996 Budget Act) requires this report to include information on the costs associated with each step of the prosecution process. OCJP has attempted to achieve this task, but has been unable to develop a feasible method for identifying uniform steps of prosecution.

One method of examining the costs associated with the SRVP Program is to prorate the amount allocated for the program against the number of cases referred for prosecution. Utilizing that method, the average cost of handling a case referred for prosecution during the fourth year was \$1,396 ($\$8.4 \text{ million} \div 6,016 \text{ cases referred}$). When applied to the total number of cases referred for prosecution since the initiation of the SRVP Program, the average cost of handling a case referred for prosecution is less than \$1,593 ($\$27.5 \text{ million} \div 17,273 \text{ cases referred}$). When this same method is applied to the other measurements used in the SRVP Program, it reveals that the average cost of a case filed in court is \$3,352 ($\$27.5 \text{ million} \div 8,205$), and the average cost of a case completed through conviction and sentencing is \$4,645 ($\$27.5 \text{ million} \div 5,920$).

This method does not take into account the variety of salary ranges and operating expenses for investigations and prosecutions being conducted in the 55 counties that implemented this program. For many counties, the amount of funds received from OCJP does not cover the entire salaries of personnel, or the necessary operating expenses. These counties must use county funds to operate their program. This method also does not take into account those cases which are pending investigation or prosecution.

AVERAGE AGE RANGE:

Information on the age of the defendant was reported for 2,531 cases. The average age of the defendant prosecuted was 20-24. The average age of the victim was 14-15. Approximately 70 percent of the defendants were over the age of 20. Approximately 16 percent of the defendants were over the age of 30.

Age information for the victim was reported for 2,642 cases. Of these, approximately 61 percent of the victims were 15 or younger. Approximately 16 percent of the victims were 13 or younger.

Information on the age difference between the defendant and the victim was reported in 2,611 cases. There was more than a five-year age difference between the defendant and the victim in approximately 58 percent of the cases. In approximately 25 percent of the cases, the defendant was more than 10 years older than the victim. In 205 cases, there was more than a 20-year age difference between the defendant and victim.

VICTIMS RECEIVING PUBLIC ASSISTANCE:

Of the 2,826 cases filed, there were 696 teenage girls (25 percent) reported pregnant as a result of statutory rape cases prosecuted under this program. Of those, 564 pregnancies resulted in live births by June 30, 1999. The remaining 132 pregnancies were either current as of June 30, 1999, or had been terminated or concluded by a miscarriage. Approximately 349 victims (12 percent) reported that they had received public assistance as a result of the statutory rape. It should be noted that there is a prevailing reluctance on the part of investigators to inquire as to whether a victim is receiving public assistance because it is not relevant to the investigation of the offense of statutory rape. It should also be noted that the term "public assistance" does not include the victim advocacy service provided to approximately 2,201 victims through this program.

DEFENDANTS WITH PRIOR CRIMINAL HISTORY:

Of the 2,826 cases filed, 839 defendants (30 percent) were reported to have prior criminal histories. Of those, 459 defendants were reported to have prior felony arrests or convictions, 266 defendants were reported to have prior violent and/or sex related misdemeanor arrests or convictions, and 114 defendants were reported to have prior convictions under the Three Strikes Law.

Of the 839 defendants with prior criminal histories, 78 defendants (1 percent) were charged under the Two and Three Strikes Laws. Of the 2,110 defendants convicted, 40 defendants received second- or third-strike convictions.

CASE REPORTS

Listed below is a representative sample of cases being prosecuted through the SRVP program from both rural and urban counties:

- On April 19, 1999, a jury convicted a 39-year-old defendant of eight felony sex counts against his 14-year-old neighbor and 9-year-old niece. His conviction arose out of his 1998 relationship with his neighbor who thought of him as a second father. DNA evidence collected from the 14-year-old victim and the defendant on the night of the 1998 incident revealed the defendant's saliva on the victim's breast and the victim's bodily fluids on the defendant's penis. The judge in the case sentenced the defendant to the maximum possible term of 31 years in State prison and ordered him to register as a sex offender.
- A female defendant was having sexual intercourse with a 15-year-old neighbor boy while her husband, a sailor in the United States Navy, was out to sea. When her husband returned home and found out about the relationship, they had a fight, which resulted in her being convicted of a misdemeanor domestic violence charge. The district attorney's office also charged her with statutory rape. She plead guilty to one count of felony statutory rape, and the Immigration and Naturalization Service deported her to Japan.

- The defendant, age 32 years, was the neighbor of a 14-year-old victim whom he supplied with methamphetamine on several occasions. On one of these occasions, he engaged in sexual intercourse with her while her parents were dining at a restaurant. The victim was too intoxicated to go home, so she called her mother from a convenience store and fabricated a story about a stranger who gave her candy laced with drugs. She disclosed the truth several days later. In January 1999, the jury was unable to reach a verdict; many jurors did not believe the victim. On the date scheduled for a retrial, the defendant plead guilty to PC 261.5(d) and one count of furnishing a minor controlled substance with an enhancement for the age difference between the victim and the defendant. The defendant was sentenced to three years in the California Department of Corrections.

As represented by these examples, cases prosecuted by the SRVP Program predominately involve sexual abuse of minors by older men. The statistical finding that 57 percent of the defendants prosecuted were over the age of 20, while 61 percent of the victims were 15 or younger supports this premise. Also, as indicated in the interpretation of data, approximately 25 percent of these cases resulted in pregnancy. This representative sample of cases reflects the goal of the SRVP Program.

SYSTEMIC CHANGE

The SRVP Program is resulting in systemic changes throughout California in the public attitude and response to statutory rape. These systemic changes are reflected by the increased referrals of statutory rape cases for prosecution and the changing public attitude toward this problem.

District Attorneys who are involved in the SRVP Program indicate that there is a heightened awareness and understanding of statutory rape in their counties. Their offices are committed to the sensitive, respectful, non-judgmental, and humane treatment of these minors and their caregivers.

CONCLUSION

This report reflects the status of the SRVP Program as of June 30, 1999. The SRVP Program has been in existence for less than four years. Most counties report that prior to the inception of this program, minimal efforts were made in prosecuting cases of statutory rape. Statistics over the last four years indicate great strides have been made in bringing these types of cases to light.

As this report reflects, the number of cases referred and filed has steadily increased over the last four years. This steady increase can be attributed to the grantees' outreach efforts within their communities.

Benefits of the SRVP Program have helped to:

- develop multiagency infrastructures;
- assist local agencies to increase public awareness by creating educational materials geared toward each county's needs;
- provide specialized services for victims and parents to enable them to break the cycle of victimization; and
- strengthen legislation for the benefit of victims of statutory rape.

The following table reflects the accomplishments of the SRVP Program during the first 45-months of operation (December 1, 1995, through June 30, 1999).

SRVP ACCOMPLISHMENTS

First Year: (12/1/95-10/24/96) 11 months	Cases Referred	Cases Filed	Convictions Achieved
16 projects	1,820*	667*	317*
Second Year: (9/1/96-6/30/97) 10 months			
53 projects	3,877**	1,916**	1,053**
Third Year: (7/1/97-6/30/98) 12 months			
54 projects	5,560**	2,796**	2,448**
Fourth Year: (7/1/98-6/30/99) 12 months			
55 projects	<u>6,016</u>	<u>2,826</u>	<u>2,110</u>
Total:	17,273	8,205	5,928

The table above needs to be qualified by additional considerations. The first-year statistics only report felony cases, whereas the second-, third-, and fourth-year statistics include both felony and misdemeanor cases. Also, there was a two-month overlap between the end of the first year and the beginning of the second year for the original 16 counties. The projects experiencing that overlap of grant periods were instructed to report all of the statistics from those two months in the second year of data collection. However, this may result in some discrepancies when statistics from those two years are totaled. Even so, these statistics reveal substantial accomplishments during the first 45-months of the program, (approximately six convictions with sentences each calendar day).

It is recommended that this program be continued, and that OCJP continue to work with State and local representatives to modify and improve methods for implementation.

* only reflects felony cases

** reflects felony and misdemeanor cases

Attachment A
STATUTORY RAPE VERTICAL PROSECUTION PROGRAM
FUNDED PROJECTS
(July 1, 1998 - June 30, 1999)

<u>PROJECT</u>	<u>FUNDS</u> <u>ALLOCATED</u>
1. Alameda County District Attorney	\$300,000
2. Alpine County District Attorney	50,000
3. Amador County District Attorney	53,068
4. Butte County District Attorney	169,973
5. Calaveras County District Attorney	67,000
6. Colusa County District Attorney	100,000
7. Contra Costa District Attorney	150,000
8. Del Norte District Attorney	110,725
9. El Dorado County District Attorney	150,000
10. Fresno County District Attorney	175,000
11. Glenn County District Attorney	100,000
12. Humboldt County District Attorney	150,000
13. Imperial County District Attorney	150,000
14. Inyo County District Attorney	60,000
15. Kern County District Attorney	175,000
16. Kings County District Attorney	174,856
17. Lake County District Attorney	100,000
18. Lassen County District Attorney	100,000
19. Los Angeles County District Attorney	361,000
20. Madera County District Attorney	100,000
21. Marin County District Attorney	100,000
22. Mariposa County District Attorney	33,000
23. Mendocino County District Attorney	100,000
24. Merced County District Attorney	150,000
25. Modoc County District Attorney	50,000
26. Mono County District Attorney	50,000
27. Monterey County District Attorney	167,300
28. Napa County District Attorney	100,000
29. Nevada County District Attorney	100,000
30. Orange County District Attorney	325,000
31. Placer County District Attorney	150,000
32. Plumas County District Attorney	100,000
33. Riverside County District Attorney	300,000
34. Sacramento County District Attorney	275,000

35. San Benito County District Attorney	65,000
36. San Bernardino County District Attorney	390,000
37. San Diego County District Attorney	300,000
38. San Francisco County District Attorney	165,000
39. San Joaquin County District Attorney	150,000
40. San Luis Obispo County District Attorney	150,000
41. San Mateo County District Attorney	150,000
42. Santa Cruz County District Attorney	150,000
43. Santa Clara County District Attorney	275,000
44. Santa Barbara County District Attorney	175,000
45. Shasta County District Attorney	150,000
46. Siskiyou County District Attorney	102,700
47. Solano County District Attorney	150,000
48. Sonoma County District Attorney	150,000
49. Stanislaus County District Attorney	150,000
50. Sutter County District Attorney	121,943
51. Trinity County District Attorney	50,000
52. Tulare County District Attorney	205,000
53. Tuolumne County District Attorney	100,000
54. Ventura County District Attorney	150,000
55. Yolo County District Attorney	<u>164,435</u>
Total:	\$8,262,000

**APPLICABLE SECTIONS OF
THE CALIFORNIA PENAL CODE**

Penal Code Section

261.5:

- (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.
- (b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.
- (c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison.
- (d) Any person over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison for two, three, or four years.
- (e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:
 - (a) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).
 - (b) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).
 - (c) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).
 - (d) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000).

- (2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.

Penal Code Section

288:

- (a) Any person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.
- (b) (1) Any person who commits an act described in subdivision (a) by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.
- (2) Any person who is a caretaker and commits an act described in subdivision (a) upon a dependent adult by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.
- (c) (1) Any person who commits an act described in subdivision (a) with the intent described in that subdivision, and the victim is a child of 14 or 15 years, and the defendant is at least 10 years older than the child, is guilty of a public offense and shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not more than one year.
- (2) Any person who is a caretaker and commits an act described in subdivision (a) upon a dependent adult, with the intent described in subdivision (a), is guilty of a public offense and shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not more than one year.

Penal Code Section

289.h:

- (h) Except as provided in Section 288, any person who participates in an act of penetration of genital or anal openings with a foreign object, substance, instrument, or device, or by any unknown object of a person who is under 18
- (i) years of age or causes another person under 18 years of age to so penetrate the defendant's or another person's genital or anal openings for the purpose of sexual arousal, gratification, or abuse, shall be punished by imprisonment in the state prison or in the county jail for a period of not more than one year.

11165.1: As used in this article, "sexual abuse" means sexual assault or sexual exploitation as defined by the following:

- (a) "Sexual assault" means conduct in violation of one or more of the following sections: Section 261 (rape), 264.1 (rape in concert) 285 (incest), 286 (sodomy), subdivision (a) or (b) of Section 288 (lewd or lascivious acts upon a child under 14 years of age), 288a (oral copulation), 289 (penetration of a genital or anal opening by a foreign object), or 647a (child molestation).
- (b) Conduct described as "sexual assault" includes, but is not limited to, all of the following:
 - (1) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.
 - (2) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
 - (3) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that, it does not include acts performed for a valid medical purpose.
 - (4) The intentional touching of the genitals or intimate parts (including the breasts, genital area, groin, inner thighs, and buttocks) or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that, it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child, or acts performed for a valid medical purpose.
 - (5) The intentional masturbation of the perpetrator's genitals in the presence of a child.
- (c) "Sexual exploitation" refers to any of the following:
 - (1) Conduct involving matter depicting a minor engaged in obscene acts in violation of Section 311.2 (preparing, selling, or distributing obscene matter) or subdivision (a) of Section 311.4 (employment of minor to perform obscene acts).

- (2) Any person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or any person responsible for a child's welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial

depiction, involving obscene sexual conduct. For the purpose of this section, "person responsible for a child's welfare" means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.

- (3) Any person who depicts a child in, or who knowingly develops, duplicates, prints, or exchanges, any film, photograph, video tape, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies and other persons described in subdivisions (c) and (e) of Section 311.3.

Attachment C
STATUTORY RAPE VERTICAL PROSECUTION PROGRAM
STATISTICAL DATA BY COUNTY
7/1/98 - 6/30/99

COUNTY	CASES REFERRED	CASES FILED	CASES COMPLETED
Alameda	1,453	75	81
Amador	60	13	11
Butte	29	27	18
Calaveras	24	14	15
Colusa	44	14	18
Contra Costa	67	56	70
Del Norte	60	38	38
El Dorado	115	44	38
Fresno	211	140	158
Glenn	21	10	9
Humboldt	19	19	27
Imperial	48	24	20
Inyo	41	24	19
Kern	87	70	39
Kings	74	42	18
Lake	21	16	18
Lassen	12	8	4
Los Angeles	391	370	119
Madera	72	23	6
Marin	16	7	5
Mariposa	15	13	6
Mendocino	36	33	10
Merced	180	59	68
Modoc	28	19	10
Mono	16	12	13
Monterey	65	35	29
Napa	61	27	27
Nevada	52	16	16
Orange	108	108	109
Placer	59	43	23
Plumas	10	9	8
Riverside	170	130	82
Sacramento	96	87	62

COUNTY	CASES REFERRED	CASES FILED	CASES COMPLETED
San Benito	50	12	18
San Bernardino	235	54	72
San Diego	130	87	73
San Francisco	49	49	30
San Joaquin	92	62	69
San Luis Obispo	87	52	51
San Mateo	48	47	36
Santa Barbara	274	90	82
Santa Clara	309	162	211
Santa Cruz	77	64	36
Shasta	71	36	23
Siskiyou	18	4	5
Solano	87	52	52
Sonoma	54	28	34
Stanislaus	134	57	62
Sutter	73	63	64
Trinity	35	15	11
Tulare	180	169	138
Tuolumne	47	13	17
Ventura	138	32	43
Yolo	67	53	51
TOTAL	6,016	2,826	2,372